

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GUARDIAN LIFE INS. CO. OF AMERICA,	:	CIVIL No. 4:13-CV-1038
	:	
	:	
Plaintiff,	:	
	:	
v.	:	(Judge Brann)
	:	
KAREN WELTEROTH,	:	(Magistrate Judge Carlson)
	:	
	:	
Defendant.	:	

REPORT AND RECOMMENDATION

THE BACKGROUND OF THIS CASE IS AS FOLLOWS:

The current status of this case appears to be that there are no pre-trial motions pending, and discovery is now closed. Absent a request to extend discovery or some other pre-trial matters, at this stage of the proceedings, the only remaining matters appear to relate to scheduling this case for trial. Because the undersigned is unable to set a trial schedule for the district court, and it would be imprudent for this Court to try set any further pre-trial schedule before the undersigned unless the parties first consented to try this action before a magistrate judge, on March 10, 2014, we directed that the parties shall notify the Court by March 24, 2014, regarding the status of this case, including whether the parties wish to have this matter scheduled for trial by this Court, or referred to the district court for the scheduling of any trial. (Doc. 23) The

defendant has now responded to this order, stating that the interpleader defendant prefers to have the case tried by the district court. (Doc. 24)

II. Recommendation

The discovery period in this case has closed. The time for filing dispositive motions has passed, and all dispositive motions have been fully resolved. No other motions are pending. Accordingly, IT IS RECOMMENDED that the case be listed for trial at the convenience of the district court and the parties. The parties are further placed on notice that pursuant to Local Rule 72.3:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions

Submitted this 31st day of March, 2014.

S/Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge